

**STORAGE NAME:** h1151.leps

**DATE:** March 6, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LAW ENFORCEMENT AND PUBLIC SAFETY  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1151 (PCB LEPS 97-02A)

**RELATING TO:** Criminal and Juvenile Justice Information Systems

**SPONSOR(S):** Committee on Law Enforcement and Public Safety and Representative Futch

**STATUTE(S) AFFECTED:** ss. 20.315, 20.316, 186.022, 216.0445, 282.1095, 282.111, 943.03, and 943.08, F.S.

**COMPANION BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 6 NAYS 0
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**I. SUMMARY:**

The Criminal and Juvenile Justice Information Systems Council (CJJISC, or the "Council") is a 14-member council established in the Florida Department of Law Enforcement (FDLE). The Council is charged with facilitating the identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies.

During the 1996 legislative session, the Council's guiding principles were codified as the guiding principles for the state's management of public safety system information technology resources. Additionally, the duties of the Council were expanded, [see *Chapter 96-388, Laws of Florida*].

HB 1151 amends various sections of the Florida Statutes that address criminal and juvenile justice information system issues at the request of the Criminal and Juvenile Justice Information Systems Council. Substantive provisions of the bill include:

- ▶ *Requiring* FDLE to develop and maintain an information system that supports the administration of the state's criminal and juvenile justice system; *and*
- ▶ *Revising* the duties of the Criminal and Juvenile Justice Information Systems Council by providing that the council must review the proposed plans and policies relating to the information systems of the Departments of Corrections, Juvenile Justice, and Law Enforcement. [The bill removes the requirement that the Council review rules and procedures, which enables the Council to focus on "big-picture," strategic planning and policy issues. The bill also expands the scope of the Council's review to specifically include the Department of Corrections.]

FDLE's development, implementation, and maintenance of an information system (such as a communications network) that is capable of supporting the administration of the state's criminal and juvenile justice system will have fiscal implications for FDLE and other

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participating agencies. Such impact is indeterminate at this time. HB 1151, in and of itself, is not expected to have a fiscal impact upon state and local governments.

## II. SUBSTANTIVE ANALYSIS:

### A. PRESENT SITUATION:

The Criminal and Juvenile Justice Information Systems Council (CJJISC, or the "Council") is a 14-member council established in the Florida Department of Law Enforcement (FDLE). The membership of the council consists of: the Attorney General, the Executive Director of FDLE, the secretary of the Department of Corrections (DOC), the chair of the Parole Commission, the secretary of the Department of Juvenile Justice (DJJ), the executive director of the Department of Highway Safety and Motor Vehicles (DHSMV), the State Courts Administrator (or their designees); a public defender (appointed by the Florida Public Defender Association, Inc.); a state attorney (appointed by the Florida Prosecuting Attorneys' Association, Inc.); and five members appointed by the Governor, as follows -- two sheriffs, two police chiefs, and a clerk of the circuit court. CJJISC members serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

CJJISC is charged with facilitating the identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies. The council is responsible for making recommendations to FDLE's executive director and to the secretary of DJJ regarding issues related to criminal justice information systems, criminal intelligence information systems, and criminal investigative information systems.

During the 1996 legislative session, the Council's guiding principles were codified as the guiding principles for the state's management of public safety system information technology resources. These guiding principles include:

- ▶ Cooperative planning by public safety system entities is a prerequisite for the effective development of systems to enable sharing of data. The planning process, as well as the coordination of development efforts, should include all principals from the outset.
- ▶ Public safety system entities should: *be committed* to maximizing information sharing, moving away from proprietary positions taken relative to data they capture and maintain; *maximize* public access to data, while complying with legitimate security, privacy, and confidentiality requirements; and *strive* for the electronic sharing of information via networks. As much as possible, the redundant capture of data must be eliminated.
- ▶ The practice of public safety system entities charging one another for data should be eliminated. Further, when the capture of data for mutual benefit can be accomplished, the costs for the development, capture, and network for access to that data should be shared. Methods of sharing data among different protocols must be developed without requiring major redesign or replacement of individual systems.

Additionally, the duties of the Council were expanded, [see *Chapter 96-388, Laws of Florida*]. For example, the Council was directed to review various budget requests to determine compliance with the Council's guiding principles for managing public safety system information technology resources.

**B. EFFECT OF PROPOSED CHANGES:**

HB 1151 amends various sections of the Florida Statutes that address criminal and juvenile justice information system issues at the request of the Criminal and Juvenile Justice Information Systems Council. Substantive provisions of the bill include:

- ▶ *Requiring* FDLE to develop and maintain an information system that supports the administration of the state's criminal and juvenile justice system; *and*
- ▶ *Revising* the duties of the Criminal and Juvenile Justice Information Systems Council by providing that the council must review the proposed *plans and policies* relating to the information systems of the Departments of *Corrections*, Juvenile Justice, and *Law Enforcement*. [The bill removes the requirement that the Council review rules and procedures, which enables the Council to focus on "big-picture," strategic planning and policy issues. The bill also expands the scope of the Council's review to include the Department of Corrections.]

[See the *Section by Section Analysis* for details.]

**C. APPLICATION OF PRINCIPLES:**

**1. Less Government:**

**a. Does the bill create, increase or reduce, either directly or indirectly:**

- (1) any authority to make rules or adjudicate disputes?

*No.*

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

*No.*

- (3) any entitlement to a government service or benefit?

*No.*

**b. If an agency or program is eliminated or reduced:**

*HB 1151 does not eliminate or reduce an agency or program.*

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

*Not applicable.*

- (2) what is the cost of such responsibility at the new level/agency?

*Not applicable.*

(3) how is the new agency accountable to the people governed?

*Not applicable.*

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

*No.*

b. Does the bill require or authorize an increase in any fees?

*No.*

c. Does the bill reduce total taxes, both rates and revenues?

*No.*

d. Does the bill reduce total fees, both rates and revenues?

*No.*

e. Does the bill authorize any fee or tax increase by any local government?

*No.*

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

*No.*

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

*Not applicable.*

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

*Not applicable.*

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

*Not applicable.*

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

*HB 1151 does not purport to provide services to families or children.*

- (1) Who evaluates the family's needs?

*Not applicable.*

- (2) Who makes the decisions?

*Not applicable.*

- (3) Are private alternatives permitted?

*Not applicable.*

- (4) Are families required to participate in a program?

*Not applicable.*

- (5) Are families penalized for not participating in a program?

*Not applicable.*

- b. Does the bill directly affect the legal rights and obligations between family members?

*No.*

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

*HB 1151 does not create or change a program providing services to families or children.*

- (1) parents and guardians?

*Not applicable.*

- (2) service providers?

*Not applicable.*

- (3) government employees/agencies?

*Not applicable.*

**D. SECTION-BY-SECTION ANALYSIS:**

Section 1 adds subsection (13) to s. 943.03, F.S., 1996 Supplement, which generally addresses the Florida Department of Law Enforcement, to require the department to develop, implement, and maintain an information system (such as a communications network) that is capable of supporting the administration of the state's criminal and juvenile justice system. FDLE must consult with the Criminal and Juvenile Justice Information Systems Council regarding this information system and must comply with the provisions of s. 943.05, F.S. (relating to the Division of Criminal Justice Information Systems) and other applicable provisions of law.

Section 2 amends s. 943.08(2), F.S., 1996 Supplement, to revise the duties of the Criminal and Juvenile Justice Information Systems Council. Currently, the Council is required to:

- ▶ *Review* proposed rules and operating policies and procedures of FDLE's Division of Criminal Justice Information Systems and *make recommendations* to FDLE's Executive Director; *and*
- ▶ *Review* proposed policies, rules, and procedures relating to the information system of the Department of Juvenile Justice (DJJ) and *make recommendations* to the Secretary of DJJ.

HB 1151 directs the council to review the proposed *plans and policies* relating to the information systems of the Departments of *Corrections*, Juvenile Justice, and *Law Enforcement*. The bill removes the requirement that the Council review rules and procedures, which enables the Council to focus on "big-picture," strategic planning and policy issues. The bill also expands the scope of the Council's review to include the Department of Corrections.

The purpose of the Council's review is to determine if the departments' strategic information technology resource development efforts will facilitate the effective identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies. The Council is directed to make recommendations, as it deems appropriate, to FDLE's Executive Director and the Secretaries of the Departments of Corrections and Juvenile Justice.

The committee bill revises the areas that the council must address when reviewing the departments' proposed plans and policies by: *clarifying* that juvenile justice information must be addressed in addition to criminal justice information; and *deleting* all references to criminal intelligence and criminal investigative information systems. The bill also specifically directs the Council to make recommendations regarding the:

*Installation and operation of statewide telecommunications networks to support data sharing, including electronic mail and file transport, among federal, state, and local criminal and juvenile justice agencies and other authorized entities.*

Section 3 amends s. 20.315(11), F.S., 1996 Supplement, relating to the Department of Corrections, to clarify that the department must consult with the Council regarding its offender-based information system, pursuant to s. 943.08, F.S.

Section 4 amends ss. 20.316(6)(a) & (f), F.S., 1996 Supplement, relating to the Department of Juvenile Justice, to clarify that the department must consult with the Council regarding its juvenile justice information system, pursuant to s. 943.08, F.S.

Additionally, under current law, DJJ must submit its annual report regarding its juvenile justice information system to the Council in addition to the Joint Information Technology Resources Committee (JITRC). The JITRC and the Council are directed to review and reach consensus on the report, and then forward the report to the Legislature.

HB 1151 deletes the requirement that DJJ submit the annual report described above to the Council, and deletes the requirement that the Council and the JITRC reach consensus on DJJ's report. The Department of Juvenile Justice will continue to submit its report to the JITRC -- JITRC will independently review it and forward it to the Legislature with its comments.

Section 5 amends s. 186.022(3), F.S., 1996 Supplement, relating to state agency strategic plans. Currently, the Executive Office of the Governor must review the state agency strategic plans to ensure that they are consistent with the State Comprehensive Plan and other requirements. HB 1151 directs the Governor's office to review the findings *and recommendations* of the Council with respect to the public safety system strategic information technology resources management issues as part of its state agency strategic plan review.

Section 6 amends ss. 216.0445(2) & (5), F.S., 1996 Supplement, relating to budget evaluations conducted by the Information Resource Commission (IRC). The bill directs IRC's executive director to consider any findings and recommendations made by the *Council* (instead of the *chair* of the Council) regarding related public safety system information technology resource management issues that affect multiple agencies.

Section 7 amends s. 282.1095(2)(a), F.S., 1996 Supplement, to reduce the size of the Joint Task Force on State Agency Law Enforcement Communications from nine to eight members. The member of the task force representing the Council is deleted.

Section 8 amends s. 282.111(5), F.S., 1996 Supplement, to delete the requirement that the Division of Communications consult with the Council before approving any law enforcement communications system or system expansion.

Section 9 provides that the act takes effect on July 1, 1997.

### III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate, see *Fiscal Comments*.

2. Recurring Effects:

Indeterminate, see *Fiscal Comments*.

3. Long Run Effects Other Than Normal Growth:

Indeterminate, see *Fiscal Comments*.

4. Total Revenues and Expenditures:

Indeterminate, see *Fiscal Comments*.



**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

Indeterminate, see *Fiscal Comments*.

2. Recurring Effects:

Indeterminate, see *Fiscal Comments*.

3. Long Run Effects Other Than Normal Growth:

Indeterminate, see *Fiscal Comments*.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

None anticipated.

2. Direct Private Sector Benefits:

The bill authorizes the installation and operation of statewide telecommunications networks to support data sharing, including electronic mail and file transport capabilities, among federal, state, and local criminal and juvenile justice agencies and other authorized entities. To the extent that the private sector is involved in developing this system, there may be a positive economic impact to the private sector.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

**D. FISCAL COMMENTS:**

FDLE's development, implementation, and maintenance of an information system (such as a communications network) that is capable of supporting the administration of the state's criminal and juvenile justice system will have fiscal implications for FDLE and other participating agencies. Such impact is indeterminate at this time. HB 1151, in and of itself, is not expected to have a fiscal impact upon state and local governments.

Any improvements made relating to the identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data should ultimately have a positive fiscal impact upon state and local governments.

**IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

**A. APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

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**B. REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

**C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

**V. COMMENTS:**

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

**VII. SIGNATURES:**

**COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:**

Prepared by:

Legislative Research Director:

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